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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/797,839
Filing Date: March 10, 2004
Appellant(s): BLAKE ET AL.

William D. Pegg
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6 November 2009 appealing from the Office action mailed 18 August 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. This Examiner's Answer contains a new grounds of rejection with respect to claim 3 as noted below.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2001/0008358	BRUSTLE	7-2001
2002/0011393	SIEMENS	1-2002
2002/0162724	HINO	11-2002
6,318,537	JONES	11-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 26 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the original claims and specification, it was not specified that the door was "only" moved "subsequent to the opening of the door of the housing". There may be other causes of the movement such as tipping the apparatus.

Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the original claims and specification, it was not

specified that the door was "only" moved "from the first operable position to said second inoperable position [and back]". There may be other causes of the movement such as finite movement between the first and second operable positions.

Claims 26-27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 26, line 4 (including line through), it is unclear if there are or not other mechanisms for opening the door.

In Claim 27, it is unclear if there are other movements of the platforms along the tracks.

Claim Rejections - 35 USC § 103

Claims 1-2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino, et al. (US 2002/0162724) ("Hino") in view of Brustle (US 2001/0008358). Hino teaches:

Claim 1: housing (See FIG. 2, 110); coin sorter (S); input hopper (112); rotatable disk (2); stationary head (1); lower surface ([0137]); shaped regions (10); exit channels (8a to 8c); coin receptacle station (120); coin receptacles (124a to 124j); first position (FIG. 2); second position (FIG. 4); manifold (location of 152); coin paths (152);

Claim 2: casters (122b);

Claim 4: coin receptacle station (120); housing (110).

purpose of disposing the dampening mechanism and the coin receptacle station into the housing.

The following is a new ground of rejection. The Final Office action mailed 18 August 2009 inadvertently omitted the Brustle secondary reference. However, the prosecution history of this application illustrates that appellant understood that Claim 3 was rejected over Hino in view of Brustle and further in view of Jones.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Brustle and further in view of Jones, et al. (US 6,318,537) ("Jones"). Hino teaches all the limitations of the claims as discussed above. Hino does not directly show a dampening mechanism, first & second ends, coin bags, or coin bag holders.

Brustle shows a similar device having a dampening mechanism (Fig. 6, 20) and first & second ends (Claim 4; see Fig. 6, 7 & 8) for the purpose of disposing the dampening mechanism and the coin receptacle station into the housing (paragraph [0003]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Brustle and include Brustle's similar device having a dampening mechanism and first & second ends for the purpose of disposing the dampening mechanism and the coin receptacle station into the housing.

Jones shows a similar device having a coin bags (52) and coin bag holders (58) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Jones and include Jones' similar device having a coin bags and coin bag holders for the purpose of holding the sorted coins of a specific denomination.

Claim 5, 7-9, 27, and 33-34, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Lense (US 4,387,942). Hino discloses:

Claim 5: housing (See FIG. 2, 110); coin processing device (inside 110); coin processing unit (S); coin receptacles (124a to 124j); coin receptacle station (120); moveable platforms (122); first position (FIG. 2); second position (FIG. 4);

Claim 7: coin processing unit (S); disk-type coin sorter (S); exit channels (8a to 8c);

Claim 8: manifold (location of 152); coin paths (152); exit channels (8a to 8c); coin receptacles (124a to 124j);

Claim 9: coin receptacles (124a to 124j); coin bins (124a to 124j);

Claim 27: housing (See FIG. 2, 110); coin processing device (inside 110); coin sorting unit (S); coin receptacle area (area taken by 120); coin receptacle station (120); coin receptacles (124a to 124j); moveable platforms (122); first position (FIG. 2); second

position (FIG. 5); moveable coin bin (the enclosed space of 124a to 124j); interior (the enclosed space of 124a to 124j).

Hino does not directly disclose a *plurality* of individual moveable platforms or a (Claim 33) *mating, trapezoidal track* on which the platforms are *centered and* (Claim 34) *cantilevered* (a rectangle is a type of trapezoid).

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Lense shows a similar device having a track (see Fig. 3, 26; Note: the overall track profile is a rectangle) for the purpose of supporting a platform to slide in a coin receptacle station in the housing (column 1, lines 5-7). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Lense and include Lense's similar device having a track for the purpose of supporting a platform to slide in a coin receptacle station in the housing.

Claim 25, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Lense. Hino discloses:

Claim 25: receiving in a coin input region (A) a plurality of coins of a plurality of predetermined denominations (112; paragraph [0135]);

sorting the plurality of coins according to denomination with the coin sorting unit (S; paragraph [0130]);

directing (10) sorted coins to the plurality of coin receptacles (124a to 124j),
determining, using a controller (U', FIG. 42), if a predetermined number of coins (paragraph [0042], the number *can be all the coins*) have been discharged to a coin receptacle;

automatically terminating coin sorting when said controller determines that a predetermined number of coins have been discharged to said coin receptacle (U'; terminate when all coins have been sorted);

sliding (122) the moveable coin receptacle platform bearing said coin receptacle along the track from the first position (FIG. 2) to permit access to said coin receptacle (paragraph [0136]);

removing (paragraph [0136]) coins from said coin receptacle; and
sliding said moveable coin receptacle platform back to the first position along the track (122);

Hino does not directly disclose a track on which the platform is *centered*.

Lense shows a similar device having a track (see Fig. 3, 26) for the purpose of supporting a platform to slide in the housing (column 1, lines 5-7). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Lense and include Lense's similar device having a track for the purpose of supporting a platform to slide in the housing.

Claim 25, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner (US 4,450,968). Hino discloses:

Claim 25: receiving in a coin input region (A) a plurality of coins of a plurality of denominations to be sorted (112; paragraph [0135]);

sorting the plurality of coins according to denomination with the coin sorting unit (S; paragraph [0130]);

directing (10) sorted coins to the plurality of coin receptacles (124a to 124j; paragraphs [0131] to [0134]);

determining, using a controller (U', FIG. 42), if a predetermined number of coins (paragraph [0042], the number can be all the coins) have been discharged to a coin receptacle;

automatically terminating coin sorting when said controller determines that a predetermined number of coins have been discharged to said coin receptacle (U'; terminate when all coins have been sorted);

sliding (122) the moveable coin receptacle platform bearing said coin receptacle along the track from the first position (FIG. 2) to permit access to said coin receptacle (paragraph [0136]);

removing (paragraph [0136]) coins from said coin receptacle; and

sliding said moveable coin receptacle platform back to the first position along the track (122);

Hino does not directly disclose a track on which the platform is *centered*.

Muellner shows a similar device having a track (see FIG. G1 below, T1) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Claim 27 and 33, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner. Hino discloses:

Claim 27: housing (See FIG. 2, 110); coin processing device (inside 110); coin sorting unit (S); coin receptacle area (area taken by 120); coin receptacle station (120); coin receptacles (124a to 124j); moveable platforms (122); first position (FIG. 2); second position (FIG. 5); moveable coin bin (the enclosed space of 124a to 124j); interior (the enclosed space of 124a to 124j);

Claim 33: moveable platforms (122); mating profile (122).

Hino does not directly disclose a *plurality* of individual moveable platforms or a track (a rectangle is a type of trapezoid).

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Muellner shows a similar device having a track (see FIG. G1 below, T1) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

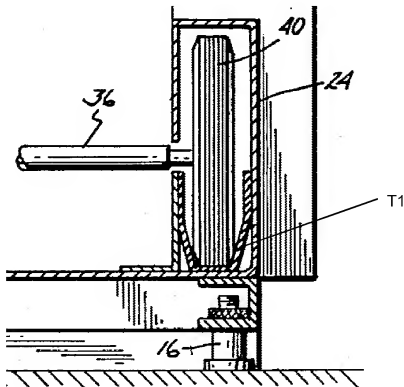


FIG. G1

Claims 14-16 and 26, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Lense and further in view of

Siemens (US 2002/0011393). Hino discloses all the limitations of the claims as discussed above and the following.

Claim 14: housing (See FIG. 2, 110); open position (FIG. 4); closed position (FIG. 2); moveable platform (122);

Claim 15: rear side (See FIG. 4 below, D); housing (See FIG. 2, 110);

Claim 16: front side (See FIG. 4 below, D; Note: the location of D can be defined as the rear or front side); housing (See FIG. 2, 110);

Claim 26: moving only subsequent to opening of the door of the housing, a coin receptacle platform from the first position to the second position (paragraph [0136]); Hino does not directly show a moveable platform (122 of Hino) that moves relative to a door.

Siemens shows a similar device having a moveable platform (122 of Hino) that moves relative to a door (see FIG. 4, 30) for the purpose of providing convenient and secure access for authorized removal (paragraph [0011]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Siemens and include Siemens's similar device having a moveable platform that moves relative to a door for the purpose of providing convenient and secure access for authorized removal.

Claim 26, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner and further in view of Siemens (US

2002/0011393). Hino discloses all the limitations of the claims as discussed above and the following.

Claim 14: housing (See FIG. 2, 110); open position (FIG. 4); closed position (FIG. 2); moveable platform (122);

Claim 15: rear side (See FIG. 4 below, D); housing (See FIG. 2, 110);

Claim 16: front side (See FIG. 4 below, D; Note: the location of D can be defined as the rear or front side); housing (See FIG. 2, 110);

Claim 26: moving only subsequent to opening of the door of the housing, a coin receptacle platform from the first position to the second position (paragraph [0136]); Hino does not directly show a moveable platform (122 of Hino) that moves relative to a door.

Siemens shows a similar device having a moveable platform (122 of Hino) that moves relative to a door (see FIG. 4, 30) for the purpose of providing convenient and secure access for authorized removal (paragraph [0011]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Siemens and include Siemens's similar device having a moveable platform that moves relative to a door for the purpose of providing convenient and secure access for authorized removal.

Claims 10, 12-13, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Lense and further in view of Jones, et al. (US

6,318,537) ("Jones"). Hino teaches all the limitations of the claims as discussed above. Hino does not directly show a *plurality* of individual moveable platforms, a track, coin bags, or coin bag holders.

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Lense shows a similar device having a track (see Fig. 3, 26) for the purpose of supporting a platform to slide in the housing (column 1, lines 5-7). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Lense and include Lense's similar device having a track for the purpose of supporting a platform to slide in the housing.

Jones shows a similar device having a coin bags (52), and coin bag holders (58) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28), respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Jones and include Jones' similar device having a coin bags, and coin bag holders for the purpose of holding the sorted coins of a specific denomination, respectively.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner and further in view of Jones, et al. (US 6,318,537) ("Jones"). Hino

teaches all the limitations of the claims as discussed above. Hino does not directly show a *plurality* of individual moveable platforms, a track, coin bags, or coin bag holders.

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Muellner shows a similar device having a track (T1 above) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Jones shows a similar device having a coin bags (52), and coin bag holders (58) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28), respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Jones and include Jones' similar device having a coin bags, and coin bag holders for the purpose of holding the sorted coins of a specific denomination, respectively.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Lense and further in view of Jones. Hino teaches all the limitations of the claims

as discussed above. Hino does not directly show a *plurality* of individual moveable platforms, a track, coin bags, coin bag holders, or a coin bag partition.

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Lense shows a similar device having a track (see Fig. 3, 26) for the purpose of supporting a platform to slide in the housing (column 1, lines 5-7). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Lense and include Lense's similar device having a track for the purpose of supporting a platform to slide in the housing.

Jones shows a similar device having a coin bags (52), coin bag holders (58), and a coin bag partition (44) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28) and sorting coins of various denominations (column 2, lines 25-28), respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Jones and include Jones' similar device having a coin bags, coin bag holders, and a coin bag partition for the purpose of holding the sorted coins of a specific denomination and sorting coins of various denominations, respectively.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner and further in view of Jones. Hino teaches all the limitations of the claims as discussed above. Hino does not directly show a *plurality* of individual moveable platforms, a track, coin bags, coin bag holders, or a coin bag partition.

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Muellner shows a similar device having a track (T1 above) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Jones shows a similar device having a coin bags (52), coin bag holders (58), and a coin bag partition (44) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28) and sorting coins of various denominations (column 2, lines 25-28), respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Jones and include Jones' similar device having a coin bags, coin bag holders, and a coin bag partition for the purpose of holding the sorted coins of a specific denomination and sorting coins of various denominations, respectively.

(10) Response to Argument

B. The 112, first paragraph rejections of Claims 26 and 27 are neither erroneous nor contrary to federal directives

1. Claim 26

First, on page 19, lines 5-6, Appellants partially quotes Claim 26 as, "moving, **only** subsequent to the opening of the door of the housing, from the first position to the second position." (emphasis added) Claim 26 does not contain a "second position", but, "a coin receptacle platform from the first position." The claim does not make it clear how the coin receptacle platform is moved from the first position (a 112, second paragraph issue).

Further, the term "only" in the claim excludes other movements of the coin receptacle platform besides those "subsequent to the opening of the door of the housing". The specification does not implicitly nor explicitly exclude other sequence of events happening before the coin receptacle platform is moved from the first position. The door is disclosed to be opened before said movement of the coin receptacle platform, but no other movement is excluded from the original claims and disclosure as filed. Therefore, the phrase including "only" is not adequately disclosed in Appellants' written description.

In summary, Claims 26-27 rejected under 35 USC 112, first and second paragraphs, there is no basis in the specification for the term "only" in the claims.

Appellants' disclosure, which *is to* demonstrate possession, does not indicate

that each and every movement is excluded from all possible movements other than that of the claimed movement.

2. Claim 27

Claim 27 comprises, "plurality of tracks and being physically constrained to slide **only** from said first operable position to said second inoperable position and from said second inoperable position to said first operable position along a corresponding one of said plurality of tracks."

Appellants' Claim 27 defines the second inoperable position [of the moveable platform and plurality of tracks] such that each moveable platform extends out of the housing ("each moveable platform extending out of the housing when in the second inoperable position"). The extent of the extension is not claimed as being entirely extending or partially extending out of the housing. Consider that the second inoperable position is at the farthest opposite position away from the first operable position, either entirely or partially extending from the housing. There are infinite intermediate positions between the first and second positions. Appellants' disclosure does not exclude the possibility of the moveable platform and plurality of tracks from moving (1) between the first position and an intermediate position (point), (2) between the [above assumed] second position and an intermediate position, and/or (3) between two intermediate positions (points). Therefore, the above phrase comprising "only" is not adequately disclosed in Appellants' written description since cases (1) through (3) are not implicitly nor explicitly *excluded*.

Further, regarding the drawings (last paragraph of page 22), the applicant argues that the limitation that recites "physically constrained to slide **only** from said first operable position to said second inoperable position and from said second inoperable position to said first operable position along a corresponding one of said plurality of tracks" is supported in the drawings (FIGS. 6 and 7), and therefore complies with the written description requirement.

In response, the examiner notes that in determining whether the claims meet the requirements of 112 1st paragraph, the disclosure as a whole must be analyzed. The drawings do not show this sliding, the test is not merely "what do the drawings not show?" If this were the test, the drawings could be relied on to introduce a nearly infinite number of negative limitations which one would likely be reluctant to conclude were part of the applicant's invention at the time of filing (i.e., a device without wheels, a device not made of metal, a device without a belt, a device without a push button, a device without an outer shell, etc.). Therefore, the inquiry must also include a review of the specification and a review of the prosecution history. The specification as filed provides no support (explicitly or implicitly) for this limitation ("only"). Additionally, the claims as filed make no mention of anything related to this term. This limitation only was added to the claims about four years (4 June 2008) after the filing date of the application (10 March 2004), after the examiner had demonstrated that the claims as filed were not patentable in view of the prior art. The lack of discussion in the specification as filed of this essential feature supports the examiner's conclusion that it is new matter.

C. The 112, second paragraph rejections of Claims 26 and 27 are neither erroneous nor contrary to federal directives

1. Claims 26

As above in section B (1), on the claim's face, it is unclear if there are other mechanisms for opening the door or if there are additional steps that the apparatus must undertake before opening the door to allow the platforms are moved on the tracks.

2. Claims 26 & 27

On the claims' face, it is unclear how Appellants' claimed moveable platforms move from (1) only the first position in Claim 26 and (2) only between the first and second positions in Claim 27 since one of ordinary skill would recognize that there are infinite points between two discrete points (points not next to each other) on a line to which the platforms may pass through.

Regarding Appellants' "final note" on page 25, last paragraph, (1) the disclosure *is* to demonstrate possession of the claimed inventions which it does not in this case, (2) the statutes under 35 U.S.C. 112, first and second paragraphs are both based on the disclosure which is here lacking for the claim recitations, and (3) the number of sentences used to retort Appellants' arguments may be sufficient as is the case here.

C. All pending 103(a) rejections are neither erroneous nor inadequate

1. Claims 1-2 and 4

Regarding the non-analogous art argument, it is clear that the claimed invention is a combination of a (1) coin sorter, (2) receptacle, and (3) movement (drawer) structures. Secondary references that are used in the 103(a) art rejections are

analogous if they (a) point to a similar field of Appellants' endeavor or, if not then (b) be reasonably pertinent to the particular problem with which the Appellants were concerned. All the rejections argued below use secondary (etc) references that either meet requirements (a) or (b) above.

Further, a coin structure does not have to be disclosed in a secondary (etc) reference if that reference's disclosure is being used for a (3) movement structure of the combination (1-3) above in a 103(a) rejection since the (b) particular problem is in the, say, drawer art.

An "apparent reason" for the combining the disclosure of Hino and the disclosed dampening mechanism of Brustle was given above in terms of the current claimed invention. Further, combining the prior art dampening mechanism element according to known methods to the apparatus of Hino can yield predictable results, namely exert a dampening force between two relatively moving structures.

Regarding the redesign of the primary reference with the secondary reference with the dampening mechanism, one of ordinary skill in the primary art would be able to incorporate the (secondary reference) dampening mechanism into the primary reference device.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Note that the combination does allow Hino's storage unit to move away (a

direction, not necessarily entirely outside) from the housing, and the coin receptacles may be set in the storage unit such that they completely exit the housing.

2. Claim 3

Examiner inadvertently left the Brustle secondary reference off this rejection for the disclosure of the dampening mechanism and ends. The new rejection is above.

3. Claims 5, 7-9, 27, 33 and 34

Regarding the non-analogous art argument, see section C (1) above.

An "apparent reason" for the combining the disclosure of Hino and the disclosed dampening mechanism of Brustle was given above in terms of the current claimed invention. Further, simply substituting the disclosed track of Lense for the wheels of Hino obtains predictable results in that the moveable platform moves in a straight line. In other words, one known mechanism is simply substituted for another known mechanism.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Note that the combination does allow Hino's storage unit to move away (a direction, not necessarily entirely outside) from the housing, and the coin receptacles may be set in the storage unit such that they completely exit the housing.

4. Claim 25

Regarding the non-analogous art argument, see section C (1) above.

Regarding page 39, coins of different diameters are fed into the coin sorter of Hino (paragraph [0042]). In paragraph [0037], as in most coin sorters, all the non-rejected (determined by a controller) coins are counted. The **predetermined number** of coins is all the coins. Once the sorting and counting of all the coins is finished, the coin sorting is **automatically terminated**.

Regarding the last paragraph of page 40, the claims are not limited to the casters/wheels not being captured temporarily in the second position, i.e., the claims do not exclude the possibility of the casters/wheels being captured temporarily in the second position.

5. Claims 27 and 33

Regarding the plurality of individually moveable platforms in view of MPEP § 2144.04(VI)(B), there are no new and unexpected results produced by multiplying the number of individually moveable platforms. In the case of a single or multiple numbers of individually moveable platforms, the action of an operator accessing coin bins via the platforms is the same since the operator must pull out the platform upon which the relevant bin is located. Adding additional individually moveable platforms 122 of Hino requires routine skill in the art.

Regarding the slide language, sliding refers to the translational motion of a body. Since the coin storage unit 120 translates as a whole, it slides. The casters roll since the caster wheels rotate.

6. Claims 10, 12-16, 26, 30, and 31

Since the above claims are not allowable, neither are claims 10, 12-16, 26, 30, and 31.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be

treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

Gerald W. McClain

Examiner

Art Unit 3653

/Patrick Mackey/

Supervisory Patent Examiner, Art Unit 3653

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

/David L Talbott/

Director, Technology Center 3600

Conferees:

Patrick Mackey/P. M./

Art Unit: 3653

Supervisory Patent Examiner, Art Unit 3653

Marc Jimenez /MJ/

Gerald McClain /GWM/